

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

March 6, 2001

LB 170

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SENATOR CUDABACK: The committee amendments are adopted. Mr. Clerk, next item to the bill.

CLERK: Nothing further on the bill, Mr. President.

SENATOR CUDABACK: We're open for discussion on the advancement of LB 170 to E & R for initial. Senator Raikes, you're recognized on the advancement.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. Senator Wickersham, if I could ask you a couple of questions. One of the main provisions of this bill has to do with market areas. Could you explain...you mentioned a court case, could you explain what the issues were in that court case...

SENATOR CUDABACK: Would you respond, please?

SENATOR RAIKES: ...and how this resolves or attempts to resolve those issues?

SENATOR WICKERSHAM: Okay.

SENATOR CUDABACK: Senator Wickersham.

SENATOR WICKERSHAM: Yes, thank you. Okay, the court case that is in question is generically referred to as the Bartlett case; it arose out of Daves County. And the issue there was whether or not TERC could adjust the values for two market areas that had been established and determined by the county assessor for Daves County. The Supreme Court said, no, that TERC didn't have authority to adjust within the market areas, that TERC only had authority to adjust by class or subclass, and that a market area was not a class or subclass of land within the county, and they remanded the case to the Daves County Board. Now, as I noted in the opening, there are some people who believe that that decision was a constitutionally-based decision that you could not have market areas. I read that as a statutory case and that